

THE POTENTIAL IMPACT OF COLLECTIVE BARGAINING:

A CASE STUDY OF THE CITY OF ATLANTA

POLICE DEPARTMENT

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BY

ROWLAND CHIKE UKA

DEPARTMENT OF PUBLIC ADMINISTRATION

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ABSTRACT

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The Potential Impact of Collective Bargaining: A Case Study
of the City of Atlanta Police Department

Advisor: Dr. Keith C. Simmonds

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Police unionism in Atlanta has received considerable editorial attention by Atlanta local news media. The need for collective bargaining rights has been uppermost in the minds of the police union members and other labor activists. However, opposition to such demands has been an ongoing trend, making it necessary for the writer to evaluate the perceptions of selected individuals of the Atlanta city government on the potential impact of collective bargaining in Atlanta Police Department. Regardless of the law prohibiting strikes by public safety employees, strikes do occur. As a result, the writer notes that collective bargaining should not be synonymous with strikes. The writer also learned that there is an absence of a statutory provision authorizing collective bargaining in Atlanta Police Department.

The significance of this study lies in its attempt through research, to devise a harmonious working relationship

between the police, the city government and the local residents. The study concludes that the benefits of police collective bargaining in Atlanta outweigh whatever may be potential negative impacts. This study, therefore, advises the City of Atlanta to enact an ordinance allowing collective bargaining in its police department.

Information obtained from interviews formed the primary data source, while literature review obtained from relevant labor journals and books formed the secondary data source.

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I. INTRODUCTION

Since the 1960s, public management of human resources has been experiencing radical changes. The widespread adoption of collective bargaining in law enforcement is one of the most visible of those changes. The government enacts appropriate legislation governing collective bargaining. However, collective bargaining can be widespread in a given jurisdiction without enabling legislation. Initiating collective bargaining legislation in a city can be a disquieting experience, especially in a conservative southern city where existing personnel policies are vague.

During the researcher's internship with the Georgia State Employees Association, Local 1985, in 1986, several research-oriented problems involving management-labor relations were assigned to him. The researcher learned that there are no collective bargaining rights guaranteed by law for Georgia public employees, except the Fire Fighters' Mediation Act of 1971, which allows local governments that elect coverage to enact local legislation establishing collective bargaining in the fire department.

After reading extensively on the subject of collective bargaining, the writer developed an interest in this

area and thus decided to examine the status of public employee rights in the Public Safety Department of the City of Atlanta.

Collective bargaining is one of the key personnel matters that is concerned with industrial harmony. Despite government's concern for peace and harmony, its inability to accept certain union demands creates an adverse relationship between itself and labor which the public manager often finds most troublesome to resolve unilaterally. Besides its adversarial process, collective bargaining thrives best when both sides win or agree. Often, this means finding an acceptable agreement between the extremes of both sides. As a result, the essence of collective bargaining is negotiation in good faith which aims at achieving a bilaterally arrived compromise between the two parties in conflict.

Although the International Brotherhood of Police Officers (IBPO) - the local labor union representing the Atlanta Police Union - has been recognized by the Atlanta City Council, its effectiveness in representing the interest of its members is hampered by the current absence of a statutory provision authorizing collective bargaining in the Atlanta Police Department.

It is the intent of this degree paper to evaluate the perceptions of the interviewees on the potential impact of collective bargaining in Atlanta Police Department. A secondary objective is to examine the role the IBPO has

played since its inception and how effective the meet-and-confer approach has been in reducing the police union's job actions.

Statement of the Problem

The growth of police unionism in Atlanta is a phenomenon of considerable importance in law enforcement. Traditionally, the city government has made all decisions regarding labor policies. At times this has led to crisis and subsequent development of trade unionism within the police department. The crux of the problem is that there are no existing collective bargaining rights within the City of Atlanta Police Department. The City of Atlanta, therefore, employed meet-and-confer as a substitute for collective bargaining.

The meet-and-confer arrangement permits the parties to discuss issues of employment and, if agreement is reached, a memorandum of understanding is issued. But there is no legal obligation on the part of the employer, either to enter into such discussions or to comply with any resulting understanding.¹

Much of the literature on public sector labor relations supports the view that a meet-and-confer arrangement is an insufficient alternative to collective bargaining. The meet-and-confer relationship has not helped solve the emerging

¹Imar F. Forouk and Kirk V. Roy, "Legal Context of Public Sector Labor Relations." In Handbook on Public Personnel Administration and Labor Relations, Jack Rabin; Thomas Vocino; Bartley Hildreth; and Gerald Miller, eds. (New York: Marcel Dekker, Inc., 1983), 314.

problems associated with issues relating to the merit system, compensation, promotion, grievance procedures, management, seniority, and eventual dismissal of police officers. As a result, there is less than a cooperative relationship between the city and the police, thus compromising the effectiveness of public safety activities in Atlanta. Because of the inherent limits of a meet-and-confer system and its disadvantage of unilateralism to the police union, collective bargaining will make it possible for employees to participate in determining terms and conditions of employment. It will better assure equity and fair play, and contribute to better working relationships and bilateral decision making.

This degree paper intends, therefore, to examine the above aspects of the problem and evaluate the perceptions of selected individuals of Atlanta city government on the potential impact of collective bargaining in the Atlanta Police Department.

II. THE PROBLEM AND ITS SETTING

The problem was formulated in response to many individuals, including the members of the Atlanta Police Union who have been actively engaged in vigorous efforts to bring about a collective bargaining right in Atlanta Police Department. There is an atmosphere of suspicion and untrustworthiness in the Atlanta Police Department. The politics of running the police department without adequate input by the police union is a serious problem that needs to be addressed. Inadequate police salaries, loss of status and prestige, poor perception of police community relations, mass exodus of trained officers, and the increased difficulties of police work are the causes of police unionization. These are problems to be solved by collective bargaining - the only sure way to remove the roots of police dissatisfaction with their employment.

It is important to note that collective bargaining can enhance working relationships among the police, the city government, and the local residents. While a majority of the police officers are in favor of collective bargaining rights, the remaining members of the force are skeptical of union officials' ability to represent and act on their stated

views. The writer learned that the IBPO has been seeking to gain the right to bargain collectively since 1985. The meet-and-confer system through which the police union can relate their problems to the city administration was won after an intense and costly court battle, yet it has not proven to be a strong medium of relationship.

It is noteworthy that the question of collective bargaining is extremely salient among policy-makers in this city. Issues pertaining to labor problems between the City of Atlanta and its police union had received considerable editorial opinions from major local news media since the 1960s. The antagonisms created between the city and its police union in their continuous battle for union recognition, a meet-and-confer agreement, and dues check-off, resulted in a relationship that fostered mistrust, victimization, fear and alienation of the police from members of the entire society. Violence, harassment, and the use of deadly force are characteristics of the police-community relations. The recent episode of police shooting at Carver Homes is an example. There is a great need for the City of Atlanta to restore confidence in the Police Department and reassure the police union of its commitment by developing formal contractual labor agreement.

Interviews held with key officials of the Atlanta city government showed that a majority of the police officers are not satisfied with the present administrative policies

and are suffering from alienation. The police are not the only group affected by these problems. The firefighters want to formalize their collective bargaining agreement with a written contract.

III. REVIEW OF THE LITERATURE

The growing strength of public sector unionism and the quest for collective bargaining rights by police unions since the early 1960s have caused considerable dispute between employee unions and public employers. Despite decades of controversy, several jurisdictions are yet undecided on whether the police should be allowed to bargain collectively with the government employer. Progressive local governments are taking a new look at collective bargaining to ascertain how it will actually improve management labor relations without interfering with the efficiency of service delivery.

For a better understanding of the concept of public sector unionism, it is pertinent to define the basic term under consideration. The Taft-Hartley Act defines collective bargaining as

The mutual obligation of the employer and the representative of the employees to meet and confer in good faith with respect to wages, hours, and other terms and conditions of employment and the execution of a written contract incorporating any written agreement reached²

² Charles Maddox, Collective Bargaining in Law Enforcement (Springfield, IL: Charles C. Thomas, 1975), 4.

There is no generally accepted definition of collective bargaining in the public sector. This is primarily because public sector bargaining laws vary among jurisdictions. Sumner H. Slichter defined collective bargaining as being divided into two basic functions: 1) A method of establishing the price of labor, and as a method of building up a system of industrial jurisprudence.³ From the above definition, one can infer that collective bargaining allows employee unions and their employers the opportunity to bargain over wages and to ensure a harmonious working relationship.

Robert Montilla states the meaning of collective bargaining as "a joint determination of the conditions of employment by representatives of employers and employees."⁴

Dissatisfied with the above definition, Montilla defines collective bargaining as

a process whereby employees as a group and their employers make offers and counter-offers in good faith on the conditions of their employment relationship for the purpose of reaching a mutually acceptable agreement, and the execution of a written document incorporating any such agreement if requested by either party.⁵

³Sumner H. Slichter, Union Policies on Industrial Management (Menasha, WI: George Banta Publishing Co., 1942), 4.

⁴Robert M. Montilla, Prison Employee Unionism: Management Guide for Correctional Administrators (Washington, D.C.: U.S. Department of Justice, January 1973), 3.

⁵Ibid.

However, since a generally acceptable definition has not yet emerged, Yancy's definition of collective bargaining in the public sector will be adopted as the operational definition for this paper. Yancy defines collective bargaining as

negotiations between employer and labor representatives on wages, working conditions, grievances, and other matters affecting the working conditions of the employees, culminating in a bilaterally arrived at oral or written agreement which may or may not be binding.⁶

The above definitions closely approximate a general agreement on the meaning of public sector collective bargaining - a method of determining terms and conditions of employment by negotiation between representatives of labor and management.

Most of the early literature on police unionization and collective bargaining is concerned primarily with salary increases and strikes. This section reviews a portion of the existing literature on the impact of public sector collective bargaining, including the conceptual and actual obstacles to full adoption of collective bargaining. A major factor that impedes labor relations in the bureau of police services of most cities is a lack of collective ordinance. In the less industrialized southern states, the

⁶Dorothy Cowser Yancy, "The Spectre of Public Unionism from 1966 to 1976: A Critical Analysis of Labor Policies of the City of Atlanta." Unpublished Ph.D. Dissertation, Atlanta University, May 1978, 24.

legislative response to collective bargaining in the public sector has been very negative. Some of these states are Arkansas, Louisiana, Mississippi, North Carolina, South Carolina, Georgia and Virginia.⁷

The 1960s, however, saw the dramatic expansion of public sector labor legislation in a number of states.⁸ It is no longer a matter of discussion, but a reality, that collective bargaining is fast becoming institutionalized in law enforcement. This means that most law enforcement agencies have regard for, and accord their employees basic social justice. Unlike before, government employers are rejecting paternalism and accepting bilateral decision making with their organized police unions--some of the rights which other citizens have been enjoying several years in the past.

As a consequence, there have been frequent and significant shifts in effective decision-making authority on personnel matters, changes in the distribution of political and policy influence, and on occasion, very visible implications for the delivery of the most essential public services.⁹

⁷For details, see Lon Felker, "Public Sector Relations in the States and Municipalities: The Impact of Union Legislative Environment," Public Personnel Management, Vol. 15, No. 1 (Spring 1986):45.

⁸Ibid., 43.

⁹George J. Gordon, Public Administration in America, 2nd ed. (New York: St. Martin's Press, Inc., 1982), 342.

It should be noted that collective bargaining was adopted in the United States' public sector, upon the frank acceptance of democratic capitalism and the desire to improve the workers' status under the same economic system. The notion of collective bargaining is rooted in our modern concept of democracy, the interaction of influences within our political, economic and social environment. John Wynne, noting the causes of unionization in the public sector, states that those causes can be summarized as (1) employer's refusal to recognize individual employee's demand without a collective voice; (2) the employees' efforts to improve their earning power; (3) the influence of private sector bargaining; (4) the ready assistance of national unions; (5) the effect of Executive Order 10988; and (6) the conservative and unilateral attitudes of employers.¹⁰

Historical Perspective

Juris and Feuille indicated that the early police organizations were formed between 1890 and 1915, which lobbied with employers for increased wages, provided welfare insurance and death benefits, and offered members the chance to engage in social and fraternal activities.¹¹

¹⁰For a greater detail of the causes of public sector unionization, see John M. Wynne, Jr. Prison Employee Unionism: The Impact of Correctional Administration and Programs (Washington, D.C.: U.S. Department of Justice, January 1978), 49-51.

¹¹Hervey Juris and Peter Feuille, The Impact of Police Unions: Summary Report (Washington, D.C.: Law Enforcement Assistance Administration, 1973), 64.

However, it was not until the early 1960s that collective bargaining played a major part in public personnel administration. "Public employees realized that they were a major presence, and they decided that they no longer would tolerate a status inferior to that of private workers."¹²

The executive order passed by New York City's Mayor Robert F. Wagner in 1958, triggered this re-awakening. The executive order granted public employees the right to

participate, to the extent allowed by law, through their freely chosen representatives in the determination of the terms and conditions of their employment.¹³

The order provides that city government would

further and promote, in so far as possible, the practice and procedures of collective bargaining in accordance with the patterns prevailing in private labor relations.¹⁴

In 1959, Wisconsin became the first state to enact legislation of this kind; it did so by passing a statute requiring municipalities to negotiate with their employees.¹⁵ It also devised a comprehensive plan for collective bargaining and established the bargaining unit structure in the enabling

¹²Felix A. Nigro and Lloyd G. Nigro, The New Public Personnel Administration (Itasca, IL: F. E. Peacock Publishers, Inc., 1981), 141.

¹³Wynne, Prison Employee Unionism: The Impact of Correctional Administration and Programs, 45.

¹⁴Ibid.

¹⁵Ibid.

act. This approach has not been emulated by many states, even though most of its intended purposes have been achieved.¹⁶

With the issuance of President John F. Kennedy's Executive Order 10988 in 1962, which grants federal employees the right to collective bargaining, unionization spread rapidly in the industrialized states of the midwest and northeast and quickly gained a foot hold in large and medium-sized cities around the United States.¹⁷ Since the early 1970s, many more states and cities began to grant collective bargaining rights to their public employee unions, resulting in increased union membership among police officers. In functional areas, 52 percent of police officers in state and local governments belong to labor organizations.¹⁸ In the State of Ohio, for example, "an estimated 200,000 state and local government employees gained the right to bargain collectively in 1985, under a 1983 law."¹⁹ Worker

¹⁶Montilla, Prison Employee Unionism: Management Guide for Correctional Administrators, 35.

¹⁷Steven W. Hayes and Richard C. Kearney, Public Personnel Administration: Problems and Prospects (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1983), 195.

¹⁸Felker, "Public Sector Relations in States and Municipalities: The Impact of Union Legislative Environment," 46.

¹⁹David Schlein, Phyllis Brown and Fehmida Sleemi, "Collective Bargaining During 1986: Pressures to Curb Costs Remain," Monthly Labor Review, Vol. 109, No. 1 (January 1986): 31.

coverage by major contracts in state and local governments, unlike private industry, has increased from two million in 1985 to 2.3 million in 1987.²⁰

Collective bargaining laws vary among states and local governments. Being a restrictive state, hence lacking a statewide comprehensive collective bargaining statute, the only Georgia statute authorizing public sector bargaining is the 1981 Fire Fighters' Mediation Act. The Act allows cities that elect coverage and have 20,000 or more population, the right to bargain collectively and be represented by a labor organization as to wages, rates of pay, hours, working conditions and all other terms and conditions of employment.²¹

After a thorough review of the existing state public labor policy, Yancy characterized the Georgia public employment policy as "vague," and in violation of the spirit as well as the letter of Executive Order 10988. The vagueness can be illustrated with regard to the conflicting and inconsistent unofficial State Attorney General's opinions and State Supreme Court rulings.²²

²⁰Ibid., 16.

²¹Yancy, "The Spectre of Public Unionism from 1966 to 1976: A Critical Analysis of Labor Policies of the City of Atlanta," 6.

²²Ibid, 12-14. For details see the Attorney General's opinions in 1966 and the Supreme Court rulings of 1974.

In his book, Management Guide for Correctional Administrators, Robert Montilla summarizes the several advantages of collective bargaining in the public sector as follows:

- 1) to establish and protect employees' rights;
- 2) to improve working conditions and benefits;
- 3) to establish and maintain more harmonious employer-employee relationships; and 4) to establish a participative role for employees in management decisions which affect employees.²³

This summary suggests that collective bargaining can be a necessary process to achieve industrial harmony, hence it is capable of enhancing the satisfaction of employees' needs.

Collective bargaining is usually initiated when a group of workers organize into a labor union that speaks for them on a collective voice. The union later seeks recognition from management to back up its claim to represent and speak for the employees. Overton and Wortman summarily state the objectives of public sector collective bargaining as follows: 1) identify the basic conflicting issues between labor and management; 2) determine the reasons for such conflicts; 3) enhance a rapid resolution of those labor conflicts; 4) provide a process whereby future conflicts may be aired and a system that will be used to resolve those conflicts.²⁴ The above objectives strongly agree with the

²³Montilla, Prison Employee Unionism: Management Guide for Correctional Administrators, 2.

²⁴Craig E. Overton and Max S. Wortman, Jr. "One More Time: What is Collective Bargaining in the Public Sector All About?" Journal of Collective Bargaining in the Public Sector, Vol. 5, No. 1 (1976):12.

the recent IBPO pamphlets - "Why Unions? Why IBPO?" and "Facts About IBPO."²⁵

Labor specialists agree that law enforcement agencies should not act as a feudal fiefdom where threat of undue and forceful disciplinary actions thrive. From the standpoint of organizational behavior, an individual's psychological needs are much greater than economic incentives. This suggests that alienated and frustrated employees tend to join unions and seek collective bargaining rights. As a result of intimidation and the stressful nature of police service, police unions seem to engage more in upgrading the social status and job security of their members than advocate for economic benefits through collective bargaining.

When unions engage in activities that promote their well-being and continued survival, some impacts are felt. While some may be beneficial to all concerned, others may not be. Kearney has done several studies on the impact of police unionization. He found that

collective bargaining misallocates both economic and political resources; it enhances and institutionalizes the power of the public employee union to such an extent that competing interest groups may find themselves at a permanent and substantial disadvantage.²⁶

²⁵ Unpublished handouts prepared by the IBPO (available at IBPO Office, 250 Tenth Street, N.E.), Atlanta, Georgia, n.d.

²⁶ Richard Kearney, "The Impact of Police Unionization on Municipal Budgetary Outcomes," International Journal of Public Administration, Vol. 1, No. 4 (1979):263.

Kearney states that the above situation obtains because 1) prolonged disruption of services during strikes might pose danger to public health; 2) demand for certain governmental services are inelastic; 3) it makes the municipal employer politically vulnerable in time of strikes.²⁷

While Kearney's argument is based on the inherent dangers of strikes, Gordon notes that

collective bargaining has obvious implications for financial management, budgeting, personnel, planning and for the roles of employees and managers in the system.²⁸

Gordon agrees with Kearney, that

collective bargaining is associated with higher personnel costs, reduces the flexibility of the budget-making process (especially when bargaining overlaps budgetary periods), and creates philosophical conflict with the merit principles.²⁹

He, however, sees an optimistic future for the continued success of collective bargaining in restructuring the personnel system.

While Kearney emphasizes the vulnerability of a municipality during strikes, Richard Dole explains that government's inflexibility, coupled with its inability to grant collective bargaining rights to the police union, can

²⁷Ibid., 377.

²⁸Gordon, Public Administration in America, 373.

²⁹Ibid., 373-374.

be a major cause of several strike tactics.³⁰ Theoretically, the issues of collective bargaining and strikes are separable. Dole maintains that "the legitimization of the former, does not necessarily require legitimization of the latter."³¹ Gordon warns that, although strikes are by far the most widely reported, visible and controversial of all the various aspects of public-sector labor-management relations, that should not be permitted to obscure management-labor interactions.³² He maintains that most collective bargaining processes and outcomes do not result in strikes. Gordon's view is based on the fact that neither collective bargaining nor labor unionization is necessarily synonymous with public employee strikes.

This is in contrast to Richard Freeman who states that "strikes by public sector workers are a part of public sector labor relations."³³ The incidence of strikes tends to be minimal in jurisdictions where strikes are legal than

³⁰Richar D. Role, Jr., "State and Local Public Employee Collective Bargaining in the Absence of Explicit Legislative Authorization." In Collective Bargaining in Government: Readings and Cases, Joseph J. Lowenberg and H. Moskow, eds. (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1975), 51.

³¹Ibid.

³²Gordon, Public Administration in America, 345.

³³Richard B. Freeman, "Unionism Comes to the Public Sector," Journal of Economic Literature, Vol.XXIV (March 1986):43.

where strikes are prohibited.³⁴ The situation in Ohio is typical. Even though Ohio statutes require that public employee strikers be immediately jailed, the state had seventy-eight strikes in 1979, and no one went to jail.³⁵

It is noteworthy that the objective of collective bargaining is not to strike. Although striking is regarded as a major weapon by which unions achieve their goals, its application by public sector labor unions is continuously declining. According to the Monthly Labor Review, work stoppages in the public sector are on a sharp decline. There were sixty-five (65) work stoppages in 1986, in contrast to one hundred forty-five (145) work stoppages in each year between 1947 to 1981.³⁶ The reasons for the decline may be 1) fear of financial losses, 2) fear of inflicting economic harm to their employers, 3) employer militancy in fighting strikes, 4) fear of failure to achieve strike objectives.³⁷ Scholars are still at odds regarding whether or

³⁴Ibid., 67, on the Hawaii experience of strike legalization.

³⁵Steven W. Hays and Zane T. Reeves, Personnel Management in the Public Sector (Newton, MA: Allyn and Bacon, Inc., 1984), 33.

³⁶Freeman reports that between 1976-1980, the number of stoppages in the public sector rose from 32 per year to 500 per year. (Also see Freeman, "Unionism Comes to the Public Sector," 66). This contradicts a low figure reported in the Monthly Labor Review, Vol. 111, No. 1 (January 1987): 24.

³⁷Ibid.

not to strike. However, arbitration generally is still regarded as a better substitute to strike.

Another important issue related to collective bargaining is affirmative action. Bent and Reeves affirm that the major impact of affirmative action upon collective bargaining has been in the area of seniority.³⁸ Unions favor seniority in determining promotion and layoff. "Seniority" is the term used to designate an employee's status with regard to length of service relative to other employees. Montilla contends that the application of seniority to promotions and transfers can severely restrict management efforts to promote employee development for advancement and supervisory development for future managerial assignment.³⁹ Seniority itself is clearly not a merit rule. Its implantation in personnel systems suggests that it does not derive solely from formal collective bargaining. It may be positively related to merit. However, Horton and others suggest seniority is not consistent with statements of the merit principle. Lewin and Horton contend that if union demand for seniority is accepted by management, and introduced into collective bargaining, then, "that could be cited as an

³⁸Edward A. Bent and Zane T. Reeves, Collective Bargaining in the Public Sector (Menlo Park, CA: The Benjamin/Cumming Publishing Co., Inc., 1978), 332

³⁹Montilla, Prison Employee Unionism: Management Guide for Correctional Administrators, 258.

example of the inconsistency between collective bargaining and merit."⁴⁰

Lewin and Horton argue that

The primary conflict is not, as most have assumed, between collective bargaining and merit; instead, the true source of conflict is rooted in the perceived interests of organized public employees and government employers and the administration of the merit principles.⁴¹

For example, collective bargaining may reinforce merit rules in some instances, and overturn them in others; however, there is a general adherence among personnel administrators "to the central notion that collective bargaining somehow poses a threat to merit rules."⁴² In fact, in some jurisdictions, "collective bargaining contracts supersede local civil service law and rules."⁴³ Regarding this point, George Munchus concludes that the growing strength of labor unions has caused concern and further points out that unions will undermine or destroy the merit system in favor of collective determination of issues.⁴⁴

⁴⁰David Lewin and Raymond D. Horton, "Impact of Collective Bargaining on Merit System in Government," The Arbitration Journal 30 (September 1975):203.

⁴¹Ibid., 201.

⁴²Ibid., 202.

⁴³For details of negotiability of civil service rules and laws, see John Burpo, Police Unions in the Civil Service Setting (Chicago: Public Administration Service, 1979), 36.

⁴⁴George Munchus III, "Collective Bargaining and the Future of the Federal Merit System of Human Resources

Despite pessimism espoused by personnel specialists that the perceived conflicts between collective bargaining and civil service will undermine the merit principle, Nigro and Nigro offer an optimistic viewpoint, stating that many jurisdictions have worked out an accommodation between civil service and collective bargaining systems. They point out that in those jurisdictions, the two systems have been fused, and the merit principle has been strengthened, not weakened. They point out that many traditional civil service systems lost out in the competition with collective bargaining because employees preferred bilateralism to unilateralism and paternalism.⁴⁵

One other factor that can inhibit police collective bargaining is the doctrine of sovereignty. The problems of adjusting certain legal perspectives to produce a tolerable fit with the sovereignty doctrine have been examined closely in the literature of public sector collective bargaining. The proponents of the sovereignty doctrine maintain that it is necessary to "preserve the integrity and legitimate powers of government."⁴⁶

Administration," Journal of Collective Negotiations in the Public Sector, Vol. II, No. 4 (1982).

⁴⁵Ibid.

⁴⁶Sterling D. Spero and John Capozzola, The Urban Community and Its Unionized Bureaucracies: Pressure, Politics in Local Government Labor Relations (New York: Dunellen Publishers, 1973), 5.

This doctrine was long construed to mean that a government cannot be compelled to accept any obligation it shuns or enter into any kind of agreement with its employees. Public employers use this concept to rationalize their unilateral, unquestioned authority over public employees. They hold the view that collective bargaining should be seen as a matter of law rather than an issue of public policy.⁴⁷

On the contrary, opponents of the sovereignty doctrine believe that one of the major tenets of sovereign power is the authority to make public policy decisions. Sterling Spero states that "a policy decision by government to establish collective bargaining procedures in its service is itself a sovereign act."⁴⁸ Despite fears that collective bargaining will infringe on management's prerogatives, weaken authority and adversely affect efficiency of government operations and lead to strikes, Stanely declares that "the era of unilateral, unquestioned sovereignty, is about over. The age of bilateralism, consultation, negotiation and bargaining is already here."⁴⁹

⁴⁷Yancy, "The Spectre of Public Unionism from 1966 to 1976: A Critical Analysis of Labor Policies of the City of Atlanta," 29

⁴⁸Sterling D. Spero, "Collective Bargaining in the Public Service," Public Administration Review 22 (Winter 1962):2.

⁴⁹David Stanely, "What are Unions doing to the Merit System?" In Collective Bargaining in Government, eds. J. Lowenberg and M. Moskow (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972), 88.

Nigro and Nigro point out that sovereignty resides in the people, so if the public's elected representatives passed laws authorizing collective bargaining for public employees, they could not be said to be violating the sovereignty.⁵⁰ Despite hesitation by the courts to grant public employees the right to strike or even bargain collectively, the sovereignty doctrine has been redefined or even eliminated in many jurisdictions, thus encouraging an increase in collective bargaining. For example, the State of Hawaii not only allows collective bargaining for all its public employee unions, but also the right to strike.

Collective bargaining in the public sector is by far more than bilateral decision making in the private sector. Citizens' involvement in management-labor relations has grown to such an extent, giving rise to a new dimension in public sector collective bargaining known as "multilateralism." Yancy writes that collective bargaining is considered multilateral when more than two groups are involved in the process.⁵¹ While mediation and appeals for restraints do not constitute multilateral bargaining, Yancy states that multilateralism occurs when topics under bargaining relate to the

⁵⁰Nigro and Nigro, The New Public Personnel Administration, 144.

⁵¹Yancy, "The Spectre of Public Unionism from 1966 to 1976: A Critical Analysis of Labor Policies of the City of Atlanta," 50.

major goals of the additional parties or interest groups.⁵²

According to Thomas Kochan, the political and organizational characteristics of city government lead to the development of a multilateral bargaining process.⁵³ He states that conflict among city officials involved in the bargaining decision making can give room to multilateralism. Other conditions that can lead to multilateralism are 1) management's weak commitment to collective bargaining, and 2) unions' use of strike substitutes, when their political activities are intense.⁵⁴ Richard Freeman, however, points out that, "whether multilateral bargaining yields larger or smaller packages for unions has not been established."⁵⁵

Gordon identifies several advantages of public sector collective bargaining. Collective bargaining allows employees the opportunity to participate more meaningfully in organizational affairs and decision making, thereby preventing management from arbitrary decision making. Collective bargaining enhances group solidarity that strengthens professionalism and greater commitment to the organization,

⁵²Ibid., 51.

⁵³Thomas Kochan, "A Theory of Multilateral Collective Bargaining in City Government," Industrial and Labor Relations Review (July 1974):526.

⁵⁴Ibid., 54.

⁵⁵Freeman, "Unionism Comes to the Public Sector," 53.

as a result of collective voice. It allows the public manager to deal with management functions in all its dimensions.⁵⁶

Beer and Spector write that the effects of collective bargaining depends upon the response of management. They maintain that if management uses the collective bargaining process to learn about and improve the operations of the work place and the production process, union can be a significant plus that improves managerial efficiency. On the other hand, if management reacts negatively to collective bargaining or is prevented by unions from reorganizing the work process, unionism can have a negative effect on the performance of the firm.⁵⁷

One should bear in mind that management's ability to utilize the advantages of collective bargaining is a function of the union's cooperation and participation. Participation, write Beer and Spector, is a way of spreading opportunity and power, with management having the crucial responsibility of monitoring and supporting the process of sharing influence and seeking participation.⁵⁸

⁵⁶Gordon, Public Administration in America, 374.

⁵⁷Michael Beer and Bert Spector, Readings in Human Resource Management (New York: The Free Press, 1985), 110.

⁵⁸Ibid., 60.

Although a police union's direct sources of power may include a higher degree of negotiating expertise, the filing of court actions, lobbying, electoral and disruptive politicking, alliance with other interest groups, and the use of dispute resolution mechanisms,⁵⁹ the bottom line of bargaining is nothing more than cooperation and compromise between the two opposing parties. This is necessary in order to tap the enormous advantages of satisfaction, efficiency and productivity emanating from collective bargaining.

⁵⁹Juris and Feuille, The Impact of Police Unionism: Summary Report, 60.

IV. METHODOLOGY

The research utilized a 'positional' oriented, data gathering approach, and the study was conducted from a descriptive analysis perspective. By 'positional' is meant that, because of their knowledge and experience, certain persons were selected by virtue of their positions and duties in government. This methodological approach allowed the study to select the smallest, but relevant number of people who are the major policy actors. They are senior officials and key representatives from the mayor's office, public safety commissioner's office, city attorney, police union leaders, city council members, police officers, some officials of other local labor unions in the city, and some community leaders. A total of forty-seven individuals were interviewed.

The researcher used both structured and unstructured interviews, direct and telephone interviewing methods. The unstructured interviewing method had the advantage of allowing the interviewees to express their perceptions on collective bargaining without any significant interview bias. The direct interviewing method allowed for immediate feedback of information from the interviewees. The research

utilized the structured interviewing method to validate the reliability of information obtained informally, while the telephone interviewing method was mostly used to take advantage of convenience both in meeting schedules and in covering distance.

Information obtained from interviews formed the primary data while secondary data was obtained from books, journals, newspaper articles and some labor reports from the Atlanta IBPO file.

V. ANALYSIS AND DISCUSSION

Collective bargaining in the public sector is one of the most controversial and, with regard to police officers, the least advocated or supported personnel activity in government. According to the IBPO's (International Brotherhood of Police Officers), co-president, Chip Warren, there are three main reasons why police unions need collective bargaining: 1) equalization of inequities in terms of salary and promotion; 2) establishment of a workable grievance procedure; and 3) the issue of governance.⁶⁰ Interviews conducted by the writer revealed that individual police officers in the City of Atlanta are yearning for a collective bargaining agreement with the city. Police collective bargaining has implications for both the city government, the general public and the police themselves. Possible implications are the impact on management, city budget, and police service delivery to the general public.

This section presents the major findings from the analysis of information gathered in studying the perceptions of selected individuals in Atlanta city government on the

⁶⁰Interview with Chip F. Warren, Co-president, IBPO Local 623, Atlanta, Georgia, April 1987.

potential impact of collective bargaining in the Atlanta Police Department. Opposition to police collective bargaining is an ongoing trend in the City of Atlanta. City administrators and members of the police force are divided in their perceptions of police collective bargaining in Atlanta.

Opponents equate police collective bargaining with strikes. They point out that it will have a devastating effect on the delivery of police service and a divided loyalty to the city government. They view police governance as public safety rather than a political process. Enjoined with the opponents are some members of the police force, who contend that the impact of collective bargaining will be obvious on the union's quest for seniority. While they do not dismiss seniority in its entirety, they are reluctant to recognize it as the determining factor for promotion because, "years of service is not an acceptable barometer of ability."⁶¹

Juris and Feuille have emphasized the impact of collective bargaining on the chief's ability to manage. The police chief has responsibility over economic items, scheduling, working conditions, seniority as a condition of equal

⁶¹ Roy C. McLaren, "A Survey of the Police Department, Atlanta, Georgia," International Association of Chiefs of Police (ICAP) Field Operations Division Report, Vol. 1 (April 1971), 233.

opportunity, and disciplinary procedures.⁶² According to Atlanta Police Chief, Morris Redding, collective bargaining will be a frustrating activity to both the Commissioner of Public Safety, police chiefs, and the mayor.⁶³ It will be more frustrating, especially during this period of fiscal constraints.⁶⁴ Chief Redding explains that the police union will seek to use its union power to severely narrow management discretion in certain critical areas of authority. According to him, most unions exist to give monopoly power to their members.⁶⁵

Charles Maddox acknowledges the charge that "unionization and hence collective bargaining has the effect of usurping administrative power"⁶⁶ from management to unions. According to Maddox, managers have wielded this power unilaterally, and often unwisely, for years. As a result,

collective bargaining will create a check on managerial excesses by democratizing police departments afflicted by an organizational malaise which managers have shown no sign of curing themselves.⁶⁷

⁶²Hervey Juris and Peter Feuille, Police Unionism, Power and Impact in Public Sector Bargaining (Lexington, MA: Lexington Books, 1973), 137.

⁶³Telephone interview with Morris Redding, Police Chief, City of Atlanta, Atlanta, Georgia, April 1987.

⁶⁴Ibid.

⁶⁵Ibid.

⁶⁶Maddox, Collective Bargaining in Law Enforcement, 132.

⁶⁷Ibid.

Chip Warren, the IBPO co-president states that the city police force is presently understaffed. The existing number of police on duty is being overworked, and the city is saving approximately two million dollars annually in salary due to understaffing, while the crime rate is fast rising. According to Warren,

collective bargaining will give the police union the voice and power to influence managerial decisions, to ensure equity and fair play, and also ensure that budget for police salaries should adequately be used for that purpose.⁶⁸

In an interview with Atlanta City Attorney, Roy Mays, he stated that a major impact of a collective bargaining ordinance in the Atlanta Police Department will be the conflict with state labor law. Mr. Mays states that Atlanta would be violating the state law if it enacted a collective bargaining ordinance. However, when the writer reminded him that state law is silent on public sector collective bargaining, and does not prohibit local legislation allowing collective bargaining, he stated that the Supreme Court had concluded that "neither the state nor its agents can be forced to engage in collective bargaining."⁶⁹ According to him (Mr. Mays), "it is not feasible that Atlanta will allow

⁶⁸ Interview with Chip Warren, Co-president, IBPO Local 623, Atlanta, Georgia, April 1987.

⁶⁹ Interview with Roy Mays, City Attorney, Atlanta, Georgia, May 1987.

any collective bargaining rights to any group of employees."⁷⁰

Although certain key members of the Atlanta city administration do not favor collective bargaining, Deputy Police Chief, Major Taylor, affirms that

collective bargaining for the police may add to a better understanding of the public safety and the political aspects of city governance.⁷¹

In an interview with Mr. Tony Zivalich, the impact of collective bargaining on wages was discussed. Mr. Zivalich expressed the opinion that the union is not asking for more wages. Through collective bargaining, union wage gains will be minimal, because police salaries are governed by the general schedule for all city employees. However, the wage effect, if any, will be seen not only in laying off of city employees, but in hiring freeze, during a fiscal crisis. On the issue of promotion which has been suspended since 1982, Mr. Zivalich states that with the establishment of collective bargaining, the promotion problem in Atlanta Police Department will be resolved. He also maintains that the "union will ask for participation in the budgetary process which will enhance its total compensation package."⁷²

⁷⁰Ibid.

⁷¹Interview with Major Taylor, Deputy Police Chief, Atlanta Police Department, Atlanta, Georgia, March 1987.

⁷²Interview with Tony Zivalich, Director of Labor Relations, City of Atlanta, Atlanta, Georgia, March 1987.

The writer had extensive personal interviews with Mr. Ray Richard, President of the Atlanta Labor Council. Mr. Richard does not foresee any potential negative result of collective bargaining in the Atlanta Police Department. He rather maintains that collective bargaining will help ensure that city administrators deal with their police employees with fairness. According to Mr. Richard,

collective bargaining will help increase police effectiveness in their overall performance by enhancing their self esteem, job satisfaction and upgrading their professional status.⁷³

In an interview with Buddy Fowkes, Atlanta City Council member, Mr. Fowkes expressed the view that the relationship between the city and the IBPO should be regarded as very good. He states that "we meet-and-confer with them on certain basic aspects of their employment."⁷⁴

Presently, our civil service law is taking care of the employment policies that the collective bargaining can fulfill. A collective bargaining ordinance will make the city seem like not caring for our police.⁷⁵

Mr. Fowkes maintains that if the city allows a collective bargaining right for the police union, it will create an

⁷³Interview with Ray Richard, President, Atlanta Labor Council, Atlanta, Georgia, April 1987.

⁷⁴Interview with Buddy Fowkes, City Council Member, Atlanta, Georgia, May 1987.

⁷⁵Ibid.

adversarial working relationship between the police union and the police department.⁷⁶

Contrary to the opinion expressed by Mr. Buddy Fowkes, several city council members, including Debbie McCarthy, are in favor of a collective bargaining ordinance for the police department. Debbie McCarthy stated that "it is a democratic privilege that has proven effective in other major cities the size of Atlanta."⁷⁷ She maintains that:

A collective bargaining right will help ensure a satisfactory working relationship between the city and its police employees, reduce the turnover rate, and translate into enormous savings in terms of police recruitment and training costs.⁷⁸

A spokesperson from the Atlanta Mayor's Office, Melinda Langston, states that "the Mayor will not support a collective bargaining ordinance for the police department, despite his pro-unionism." She maintains that:

The Mayor is personally convinced that Atlanta is not yet ready to bear the huge cost of collective bargaining on the City budget, as suffered by such cities like New York and Philadelphia."

Bob Fromme, the Deputy Police Chief, argues that "the grievance procedures accord the police a fair hearing, and

⁷⁶Ibid.

⁷⁷Interview with Debbie McCarthy, City Council Member, Atlanta, Georgia, May 1987.

⁷⁸Ibid.

collective bargaining would be a mere duplication that can cause confusion." That notwithstanding, Chief Fromme states that "collective bargaining would be time consuming, resulting in unnecessary costs on tax payers."⁷⁹

During the writer's interview with Melvin L. Waldrop, the Director of Program and Performance Evaluation, the writer was told that it would be difficult for any person to predict any specific potential impact of police collective bargaining on the City of Atlanta. However, he stated that "collective bargaining will make the city bargain with the police union on an equal basis for every item listed for negotiation."⁸⁰ According to Waldrop, such a relationship can foster misunderstanding, mistrust and disagreement between the police union and city officials.⁸¹ Continuing, he stated that such a situation might lead to strike actions despite legal prohibition, and that "the huge cost of bargaining time coupled with several unwarranted and warranted demands arising out of bargaining will impinge on the city's budget."⁸² For example, Waldrop maintains that the city

⁷⁹Interview with Bob Fromme, Deputy Police Chief, Atlanta Police Department, Atlanta, Georgia, March 1987.

⁸⁰Interview with Melvin L. Waldrop, Director, Bureau of Program Performance and Evaluation, City of Atlanta, Atlanta, Georgia, October 1987.

⁸¹Ibid.

⁸²Ibid.

might raise its sales and property taxes, which might result in a negative impact on the city's economy. Mr. Waldrop pointed out that:

In the short-run, police union's participation in policy decision making may not be in the best interest of the individual police officers, because expert negotiators and attorneys would have to be hired to represent the police union, and the union members would incur unprecedented expenses until union members start gaining sophisticated bargaining skills and experience in management labor relations.⁸³

While most members of the police union emphasize the potentially positive effects of collective bargaining to improve police morale and welfare, most high ranking officers were of the opinion that collective bargaining will break down the "military ethos" of the police department in which management becomes bilateral by gradually wearing away the authoritarian attitude of the department. On the same ground, Mr. Chip Warren, of the police union, stated that "such aspects of behavior will help in making the entire membership of the police force understand that the police are not actually military, but peace officers."⁸⁴ Continuing, he stated that :

The police, the administrators, and the residents need to interact and understand each other in order to remove the fears and isolation of the

⁸³Ibid.

⁸⁴Interview with Chip Warren, Co-president , IBPO Local 623, Atlanta, Georgia, April 1987.

police from the rest of the society.⁸⁵

Chip Warren further pointed out that a special part of police work is to maintain peace in the society.

We cannot maintain peace under fear of reprisal from the administrators, while the local residents are also afraid of communicating with the police.⁸⁶

The interviewee stated that collective bargaining will help strengthen the grievance procedure. They also state that collective bargaining will help accord police officers with due process of the law.

Limitation of the Study

While the impact analysis of collective bargaining is extensive in the literature, the impact of collective bargaining on law enforcement is a relatively recent concern in public personnel administration, and that of Atlanta will be a notable contribution to the literature.

This study, however, is limited to Atlanta Police Department, and has not been exhaustive in its examination. For example, the study did not examine the impact of the scope of bargaining. The study suffers from certain areas of constraints. Data collection was minimal because of poor cooperation from city officials. Two major policy actors - Mayor Andrew Young and Public Safety Commissioner,

⁸⁵Ibid.

⁸⁶Ibid.

George Napper, did not directly participate in the study. They were unavailable as they were preoccupied with other activities, including their involvement with the investigation of Senator Julian Bond's alleged cocaine use. Many police officers interviewed were not quite knowledgeable on collective bargaining.

VI. RECOMMENDATIONS AND CONCLUSION

Recommendations:

Despite years of experience with police labor unions, the City of Atlanta has not formalized bargaining procedures in its police department. As a result, the existing relationship between the police union and the city government has been confrontational, unstructured and without any written contract. After a careful review of the potential impact of police collective bargaining, it is recommended that:

1. The City of Atlanta enacts a collective bargaining ordinance in its police department.
2. The mayor appoints a task force to educate the public and city officials on the inherent advantages of collective bargaining. This can be done through the initiation of seminars and orientation programs on police labor relations.
3. A written contract be made to formalize the bilateral labor-management agreement, and to specify "management rights" of city, scope of bargaining, designation of the official in city negotiating team, statement concerning when negotiations should begin and end, and a statement of the methods to be used to resolve impasses.

Conclusion:

This degree paper has pointed out the potential impact of collective bargaining and demonstrated that there

is a great need for a collective bargaining arrangement in the Atlanta Police Department. The alienation and dissatisfaction of police officers, resulting from the diminution of daily interactions has reached an extent that a meet-and-confer arrangement with management can no longer formally rectify the present situation. It will no longer be realistic to discount the emergence of shared decision making resulting from the emergence of collective bargaining. Studies have shown that the impact of collective bargaining on government poses less of a threat, despite fiscal crises affecting most urban areas.

Since strikes are prohibited, the police union might employ other reasonable forms of protest that will not jeopardize police service delivery when bargaining fails. These may include: lobbying, picketing, civil lawsuits, publicity campaigns, fact finding and mediation. In fact, any serious effort without collective bargaining rights will place IBPO at a considerable disadvantage in representing the interest of its members.

Finally, collective bargaining is the present trend in the United States' public sector. No government that has adopted a collective bargaining legislation has repealed it, and there is little evidence that Atlanta will escape this movement. A poorly paid police force with low morale may not continue to ensure freedom for all, and the

protection of lives and properties. Atlanta's police officers will not be first-class citizens until the city passes a Wagner Act for them. Such an act would guarantee the officers the right to bargain collectively for higher salaries and better working conditions, and in the process, free them from fear of retaliation.

APPENDIX A
LIST OF ATLANTA POLICE OFFICERS INTERVIEWED
CONCERNING COLLECTIVE BARGAINING

A random selection of police officers interviewed on their perceptions of collective bargaining in the Atlanta Police Department:

1. D. L. Brown
2. D. Torchia
3. M. A. Skogen
4. S. B. Jackson
5. M. M. Denson, Sgt. (Supervisor)
6. T. S. Betts
7. J. L. Weldon
8. R. C. Huffman
9. K. Bennett
10. W. M. Byrdsong
11. J. W. Hagin, Lt.
12. C. S. Pyrdum, Sgt.
13. R. D. Kenley
14. L. Bacon
15. T. E. Kimble
16. B. Render
17. N. F. Sanders
18. M. H. Foxworth
19. D. Roskind
20. R. E. Manuel
21. T. Richardson
22. L. D. Towns
23. A. A. Knazze
24. K. Walker, Sgt. (Squad Supervisor)
25. R. M. Thomas
26. E. A. Thrall
27. A. B. Houser
28. M. L. Hill
29. J. E. Foster
30. J. L. McDonald
31. J. A. Halley
32. R. E. Fox
33. W. Mosley
34. R. L. Stallings
35. B. F. Griggs, Sgt. (Squad Supervisor)
36. L. McCord
37. D. McBroom
38. K. C. Sheffield
39. K. R. Kraemer
40. W. H. Sanders
41. P. A. Thurmond
42. R. L. Starks

APPENDIX B
LIST OF STRUCTURED QUESTIONS
USED DURING INTERVIEWS

LIST OF STRUCTURED QUESTIONS USED DURING THE INTERVIEWS

How would you describe the present relationship between the city and its police force?

Do you think that there is a need for improvement regarding the present police/community service?

Has the city ever engaged in collective bargaining before?

In your own opinion, do you think that there are inherent advantages to collective bargaining for the police department?

If there should be a collective bargaining bill, would you support its passage?

If not, why would you vote against it?

Why would the IBPO ask for a collective bargaining agreement?

What were your reactions to police unionization?

How can you describe the present salary structure for the Atlanta Police Department, relative to other police forces the size of Atlanta?

How would your union plan on retaining or reducing the turnover rate in the police department?

Why did it take longer before the IBPO was recognized by the city government?

Should collective bargaining be allowed in the unionization of the Atlanta Police Department?

Do you think the size of Atlanta can affect union activity, if collective bargaining is allowed by law?

Has the city or the union incurred any major costs since the recognition of the IBPO?

A study stated that collective bargaining has the potentiality to increase police professionalism. What is your view about police professionalism?

What is the city's position regarding the present promotion/seniority problem affecting the police force?

A study reported that between 1966-1976, the City of Atlanta had been engaging in collective bargaining with several departments. Why was the police union not included?

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